

Application No.: 10/678.006

2

Docket No.: 443452000103

REMARKS

Claims 1-51 are pending and claims 1-51 stand rejected. By virtue of this response, no claims have been cancelled, amended, or added. Accordingly, claims 1-51 are currently under consideration.

Claim Rejections under 35 USC §103

A. Claims 1-6, 8-14, 16-22, 24-31, 32-34, 38-43, and 46-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (U.S. Patent No. 4,691,274) in view of Dubin (U.S. Patent No. 5,971,506). The Examiner states, in part:

With respect to claims 1-6, 8-14, 16-22, 24-31, 32-34, 38-43, and 46-51, Matouk et al. teaches at least two modules (41, 42, 43) comprising at least one heat-generating component, each module (41, 42, 43) adapted to permit air to flow in the module such that airflow goes through, over, or adjacent to the at least one heat-generating component to cool the at least one heat-generating component.
(Page 2 of the Office Action)(Emphasis added.)

Applicants previously argued that Matouk discloses that cooling air flows vertically in the "vertically disposed space" and passes adjacent to the modules, cooling the modules by conduction through the exterior walls such that the cooling air does not flow in or through the modules as asserted by the Examiner. The Examiner responded to Applicants argument by pointing to Figures 5 and 6, and in particular stating:

Applicant is directed to figures 5 and 6, which show modules (42, 43 respectfully). As can be seen, neither module (42, 43) is completely enclosed (i.e. having top, bottom and sides) to prevent airflow "in or through" the modules such that air flow through, over or adjacent the at least one the generating component as claimed.
(Page 4 of the Office Action)

Applicants submit that modules 42 and 43 are disclosed as including walls or sides that do not cooperate with the rack such that air flows as presently recited; for example, such that airflow goes "through, over, or adjacent to the at least one heat generating component," and "the

pa-991393

Application No.: 10/678,006

3

Docket No.: 443452000103

rack and computers will cooperate to direct the airflow through the computers" up, down, or both to exit the rack. In particular, Applicants submit that even if one assumes modules 42 and 43 of Matouk are adapted to allow or permit an airflow to pass through a portion thereof (as asserted by the Examiner), Matouk clearly fails to disclose or suggest that such an airflow (passing through a portion of modules 42 and 42) is also directed up, down, or both to exit the framework.

Applicants direct the Examiner's attention to modules 42 and 43 as shown in Figure 3, where both module 42 and 43 are shown as enclosed structures and described as being in the form of drawers 52 and 66 respectively. (Matouk, col. 4, lines 25-31 and 67-68). Additionally, as shown in Figures 5 and 6, modules 42 and 43 include a base plate 57 and heat sink 76 facing inward toward compartment 22 (as shown in Figures 3 and 4). Matouk describes that "Cooling for the RTC module [42] is accomplished by conduction from the exterior walls of the module into the room and also into the compartment 22 through which the air is passing." (Matouk, col. 4, lines 54-57) (Emphasis added). Thus, even assuming modules 42 and 43 are not entirely enclosed, such that air may flow through a portion of modules 42 and 43, it is clear that a wall or enclosure exists on the side facing inward within framework 12, i.e., the side facing center compartment 22 for cooling the modules 42 and 43 via conduction (see, e.g., Figures 3-6 and base plate 57 and heat sink 76 of modules 42 and 43 respectively). Thus, air which may flow through a portion of modules 42 and 43, as asserted by the Examiner based on Figures 5 and 6, would not be directed up, down, or both to exit the framework 12 to meet the features of claim 1 (e.g., wherein the airflow goes "through, over, or adjacent to the at least one heat generating component," and "the rack and computers will cooperate to direct the airflow through the computers" up, down, or both to exit the rack).

Further, there is no reasonable suggestion that airflow passes through modules 42 and 43 and the same airflow passing through modules 42 and 43 is also directed up, down, or both to exit framework 12 (whether or not some air may be permitted to flow through a portion of modules 42 and 43) because Matouk clearly describes that airflow is directed through the "vertically disposed space" and passes adjacent to the modules, cooling the modules by conduction through heat sinks extending into the vertically disposed space. (Matouk, col. 2, lines 31-39).

pa-991393

Application No.: 10/678.006

4

Docket No.: 443452000103

Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness because the references fail to teach each and every feature of the present claims. Furthermore, the addition of Dubin does not suggest a configuration of computers within rack that produces an airflow as presently recited (nor is the addition of Dubin alleged to suggest this feature).

Furthermore, Applicants maintain the traverse of the rejection and the Examiner's assertion that it would have been obvious to incorporate the computer of Dubin into the rack of Matouk to meet the features of the present claims for at least similar reasons as stated in Applicants previous response. In particular, Applicants submit there is no teaching in either Matouk or Dubin for any modification of the type suggested in the Office Action to meet the features of the present claims.

The combination of references and modifications thereto proposed by the Examiner would inhibit the operability of the computer in Dubin. Specifically, Dubin states: "a back plate 141 containing openings 142 for connecting cords, an opening 144 for power and exit air, and an opening 148 for access to vertically mounted circuit boards." (Col. 2, lines 54-56.) The Examiner points out that this cited portion is describing the prior art, however, at col. 2, line 66, it is clear that chassis 140, including openings 142, 144, and 148 as described above, "is surrounded by the mounting system 10 of the present invention." (Col. 2, line 66-Col. 3, line 1). Further, the Examiner's attention is drawn to Figures 3 and 4, which includes chassis 140 shown in Figure 2, and which includes an opening (not numbered) in the backside corresponding to opening 144 described for power at column 2, line 54. Accordingly, if the computers in Dubin were positioned in a back-to-back orientation into the rack of Matouk, as proposed by the Examiner, the openings 142 in the back plate 141 would no longer be accessible, thereby inhibiting the connection of cords and access through the opening 148 to the vertically mounted circuit boards. Furthermore, the rack of Matouk does not include openings on the frontside to accommodate the connection of cords, such as power and the like if the computers were positioned in a back-to-back orientation. Consequently, the proposed combination of references is unsupported and inappropriate. Applicants respectfully request that the Examiner withdraw the rejection of claim 1 and claims 2-8, which depend from claim 1.

pa-991393

Application No.: 10/678,006

5

Docket No.: 443452000103

For at least these reasons, the Examiner has failed to establish a *prima facie* case of obviousness of independent claims 9, 17, 25, 33, 42, and 51. Applicants respectfully request allowance of these claims and claims 10-16, 18-24, 26-32, 34-41, and 43-50 which depend from claims 9, 17, 25, 33, 42, and 51.

B. Claims 7, 15, 23, 31, 35, 36, 44 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4,691,274) in view of Dubin (5,971,506) as applied to the claims above, and further in view of Wrycraft (6,011,689).

Claims 7, 15, 23, 31, 35, 36, 44 and 45 depend from independent claims 1, 9, 17, 25, 33, 42, and 51 respectfully and are allowable over the combination of references for at least similar reasons as discussed above.

pa-991393

Application No.: 10/678,006

6

Docket No.: 443452000103

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 443452000103. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 16, 2005

Respectfully submitted,

By 
Christopher B. EideRegistration No.: 48,375
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5720

pa-991393